

**BRADLEY/GROMBACHER, LLP**

Marcus J. Bradley, Esq. (SBN 174156)  
Kiley L. Grombacher, Esq. (SBN 245960)  
2815 Townsgate Road, Suite 130  
Westlake Village, California 91361  
Telephone: (805) 270-7100  
Facsimile: (805) 270-7589  
mbradley@bradleygrombacher.com  
kgrombacher@bradleygrombacher.com

**ROTHSCHILD & ALWIL, APC**

Kristi D. Rothschild, Esq. (SBN 222727)  
Julian Alwill, Esq. (SBN 259416)  
27 W. Anapamu Street, Suite 289  
Santa Barbara, California 93101  
Telephone: (805) 845-1190  
Facsimile: (805) 456-0132  
krothschild@kdrllawgroup.com  
jalwill@kdrllawgroup.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ANDREA RIDGELL, on behalf of  
herself and others similarly situated  
Plaintiff,

v.

FRONTIER AIRLINES, INC. a  
Colorado corporation; AIRBUS S.A.S.,  
a foreign corporation doing business in  
the State of California; AIRBUS  
GROUP HQ INC., a corporation doing  
business in the State of California  
Defendants.

**Case No.: 2:18-CV-04916 PA (AFMx)**

**DECLARATION OF MARCUS J.  
BRADLEY IN SUPPORT OF  
MOTION FOR CLASS  
CERTIFICATION**

**DATE: 11/19/18**

**TIME: 1:30 p.m.**

**DEPT: 9A**

**DECLARATION OF MARCUS J. BRADLEY**

I, Marcus J. Bradley, declare as follows:

1. I am an attorney at law duly licensed to practice law before all of the courts of the State of California, and most of the district courts within the Ninth Circuit. I am a partner in the law firm of Bradley/Grombacher LLP and counsel for plaintiff, Andrea Ridgell, now filing this Motion for Class Certification. In my capacity as counsel, I have been actively involved with all aspects of this litigation and have reviewed the discovery produced. Accordingly, I have personal knowledge of all the matters set forth herein, and if called, I could and would competently testify to the following:

2. This Declaration is submitted in support of the Motion for Class Certification, and specifically to address the adequacy of Bradley/Grombacher LLP, to be appointed class counsel by this Court.

3. My firm, Bradley/Grombacher, and I have extensive experience litigating wage and hour class and representative actions as well as complex consumer class actions. I have been personally involved in all of the cases listed below. In connection with these cases, I have acted as either lead counsel with my various firms, or have worked in conjunction with other members of my various firms or co-counsel from other firms.

4. I have practiced law since 1994. In 2000, I joined Mazursky, Schwartz & Angelo as an associate and became a partner in January 2005 at which time the firm was renamed Schwartz, Daniels & Bradley. I remained as a partner handling primarily wage and hour class actions until the dissolution of the firm effective December 31, 2008. In January 2009, I moved my existing practice transferring a number of wage and hour cases to become a partner with the law firm of Marlin & Saltzman, a long-established firm with whom I had been co-counsel on dozens of wage and hour class actions during my tenure at Schwartz, Daniels & Bradley. On September 1, 2016, I formed Bradley/Grombacher LLP along with a former associate at Marlin & Saltzman,

1 and current partner, Kiley Grombacher.

2       5. I have been responsible for all facets of class action employment and other  
3 complex litigation, from pre-filing investigation through trial and appeal. Since  
4 approximately May 2000, I have spent most of my time representing workers in wage  
5 and hour matters. I, along with my current and former partners, have litigated these  
6 issues in class actions to favorable settlements that have recouped over \$700,000,000.00  
7 in unpaid wages, including the following more notable cases:

8           a. *Gutierrez v. State Farm Mutual*, Los Angeles Superior Court (BC236552).  
9 Class action mis-classification case seeking overtime compensation for  
10 approximately 2,600 insurance claims adjusters employed by State Farm. The class  
11 was certified and summary adjudication was granted as to liability in favor of the  
12 class. The case settled for \$135 million just prior to trial, with final approval granted  
13 with no objections filed.

14           b. *Bednar v. Allstate Insurance Company*, Los Angeles Superior Court  
15 (BC240813). Class action mis-classification case seeking overtime compensation  
16 for approximately 1,200 insurance claims adjusters employed by Allstate. The class  
17 was certified and summary adjudication was granted as to liability in favor of the  
18 class. The case settled for \$120 million just prior to trial, with final approval granted  
19 with no objections filed.

20           c. *Roberts v. Coast National Insurance*, Orange County Superior Court  
21 (01CC08478). Class action mis-classification case seeking overtime compensation  
22 for insurance claims adjusters employed by Coast National Insurance. Certification  
23 granted, and then the matter was tried before a binding arbitrator. The case settled  
24 during the arbitration for in excess of \$18 million.

25           d. *CNA Class Action Litigation*, Los Angeles Superior Court Class (JCCP  
26 4230). Class action mis-classification case seeking overtime compensation for  
27 insurance claims adjusters employed by Defendant. Case settled for \$33 million,  
28 with final approval granted with no objections filed.

1 e. *Dotson v. Royal SunAlliance*, Orange County Superior Court  
2 (02CC01787). Class action mis-classification case seeking overtime compensation  
3 for insurance claims adjusters employed by Royal SunAlliance. Case settled for  
4 \$12.3 million, with final approval granted with no objections filed.

5 f. *Parris v. Lowe's Home Improvement*, Los Angeles County Superior Court  
6 (BC260702). Class action seeking payment of "off-the-clock" hours worked by all  
7 hourly employees of Lowe's Home Improvement stores in the State of California.  
8 The class was certified by the Court of Appeal and remanded to the trial court for  
9 further proceedings. Shortly thereafter, a \$29.5 million settlement was reached and  
10 approved without objection.

11 g. *Pardo v. Toyota Motor Sales, et al.* Los Angeles County Superior Court  
12 (BC372781). Class action mis-classification of workers with claims for overtime  
13 and missed meal and rest breaks. The case settled for \$7.75 million and was  
14 approved with no objections.

15 h. *Smith/Ballard v. Wal-Mart Stores, Inc.* United States District Court for  
16 the Northern District of California (Case No. 4:06-cv-05411-SBA). Wage and hour  
17 class action seeking unpaid vacation and personal time, unpaid wages, and related  
18 penalties on behalf of over 245,000 employees. The action was certified and settled  
19 for \$86 million while Defendants' appeal of the certification was pending in the  
20 Ninth Circuit Court of Appeals.

21 i. *Hoyng v. AON*, Los Angeles County Superior Court (BC377184). Wage  
22 and hour class action seeking overtime and related compensation for mis-  
23 classification on behalf of Relationship and Account Specialists. The case settled  
24 for \$10.5 million which was approved with no objections filed.

25 j. *In RE Bank of America Wage and Hour Employment Practices Litigation*,  
26 MDL 2138, United States District Court for the District of Kansas. California state  
27 and FLSA wage and hour litigation for various violations including unpaid overtime  
28 and "off-the-clock" work. Settled for \$73 million.

1 k. *Lemus v. H & R Block Litigation*, United States District Court for the  
 2 Northern District of California (Case No. 3:09-cv-03179-SI) Class certified, and  
 3 settlement reached prior to trial. Total settlement of \$35 million.

4 l. *Harris v. Vector Marketing Corporation*, United States District Court for  
 5 the Northern District of California (Case No. 3:08-cv-05198-EMC). Independent  
 6 contractor mis-classification class action case on behalf of approximately 70,000  
 7 employees.

8 m. *Bickley v. Schneider National Trucking*, United States District Court for  
 9 the Northern District of California (Case No. 4:08-cv-05806-JSW). Wage and hour  
 10 class action on behalf of approximately 6,000 truck drivers. Settled for \$29.5million.

11 n. *Roberts v TJX*, United States District Court for the Northern District of  
 12 California (Case No. 13-CV-04731-MEJ). Wage and hour violations on behalf of  
 13 approximately 82,000 employees. Settled for \$8.5 million.

14 o. *Oprychal v. New Your Life Insurance*, United States District Court for the  
 15 Central District of California (Case No. 2:07-cv-00518-VBF). Class action for the  
 16 failure to pay commissions pursuant to a compensation plan. Settled for \$10 million.

17 p. *Neuvenheim v. Gamestop Corp.*, United States District Court for the  
 18 Central District of California (Case No. 2:09-cv-06799-ODW). Class action on  
 19 behalf of nonexempt employees for wage and hour violations.

20 q. *Hightower v. JP Morgan Chase*, United States District Court for the  
 21 Central District of California (Case No. 2:11-cv-01802-PSG). Class action on behalf  
 22 of nonexempt employees for wage and hour violations. Settled for \$12 million.

23 6. On many of the above cases I was either lead or co-lead counsel including  
 24 cases in multi-district litigation or coordinated proceedings where I worked  
 25 collaboratively and cooperatively with co-counsel to bring about an efficient and  
 26 beneficial resolution for all class members as the above results demonstrate.

27 7. For example, Bradley/Grombacher LLP was recently appointed as interim  
 28 co-lead counsel in the *In Re: Volkswagon "Clean Diesel" Marketing, Sales Practices*,

1 *and Products Liability Litigation* currently pending before the Hon. Charles Breyer in  
2 the United States District Court for the Northern District of California, Case No. 3:15-  
3 md-02672-CRB

4 8. I have argued cases in trial courts as well as before courts of appeal. My  
5 writings on legal topics pertaining to litigating wage and hour class and representative  
6 actions have appeared in professional publications and I have been called upon to speak  
7 at conferences and seminars for professional organizations including a recent  
8 presentation titled “Planning for and Executing Trial in Class and Collective Wage &  
9 Hour Cases.”

10 9. I have also been honored as a Super Lawyer in the area of class actions by  
11 Los Angeles Magazine for multiple years including 2018. I am also a member of a  
12 number of professional organizations including the Consumer Attorneys of Los  
13 Angeles, the Consumer Attorneys of California, the California Employment Lawyers  
14 Association, and the America Association of Justice.

15 10. Ms. Grombacher specializes her practice in complex litigation including  
16 consumer and employment class actions. She has litigated hundreds of employment and  
17 consumer class actions throughout her career which began at Arias, Ozzello & Gignac  
18 where she gained extensive experience litigating consumer cases.

19 11. Thereafter, Ms. Grombacher joined Marlin & Saltzman in 2010 where she  
20 focused her practice almost exclusively on wage and hour, collective and representative  
21 actions including the reported case, *Faulkinbury v. Boyd & Associates*, which clarified  
22 the holding in seminal case, *Brinker Restaurant Corp. v. Superior Court* to establish  
23 that legality of certain company policies could be determined on a class-wide basis even  
24 if the application of the policies varies by individual.

25 12. She has been selected by Super Lawyers Magazine as a “Rising Star” in  
26 the field of complex litigation since 2015 and has published articles on the field of class  
27 action litigation including “A Class-Action Primer” which appeared in *The Advocate*,  
28 which is the Journal of Consumer Attorneys of Southern California.

1        13. Ms. Grombacher has also lectured on various topics involving complex  
2 case management and recently spoke at the Beverly Hills Bar Association's Class  
3 Action and Complex Case Management Conference.

4        14. She is also a member of a number of professional organizations including  
5 the Consumer Attorneys of Los Angeles and the America Association of Justice.

6        15. In addition, Ms. Grombacher and I will be assisted by  
7 Bradley/Grombacher senior associate, Taylor Emerson, who is in her sixteenth year of  
8 practice. Ms. Emerson brings significant wage and hour class action experience and has  
9 ably assisted me and Ms. Grombacher on dozens of class action cases since joining the  
10 firm in 2016.

11        16. Moreover, Bradley/Grombacher will be able to draw on the resources of  
12 our co-counsel, Rothchild & Alwill. In addition to utilizing the experience and expertise  
13 of attorney, Kristi Rothschild, we will also have numerous other attorneys and support  
14 staff from that firm at our disposal when the need arises.

15        17. In connection with this matter, we have devoted substantial time and  
16 resources to developing the case over the past year. Once certified, we are committed  
17 to continue handling the matter in a n effective and well-staffed manner.

18        18. Our firms are working with the representative plaintiff to protect the  
19 interests of the putative proposed class. We are familiar with the law as it applies to the  
20 legal and factual issues relevant to this matter. Our firms are prepared to dedicate the  
21 necessary personnel and resources, and have the capability of doing the same, to prepare  
22 for and try this matter to judgment.

23        19. The proposed representative plaintiff has been informed of her duties and  
24 obligations as a class representative. She has been informed of his duty to select  
25 adequate and skilled counsel, to cooperate with counsel and to place the interests of the  
26 class on a level equal with his owns interests. She has agreed to meet these obligations.

27        20. I am personally aware of the nature of the claims being raised by the  
28 proposed class representative. I do not know of any claim which she has which is



1 different from or in conflict with the claims of the proposed class or sub class.

2 21. I have investigated and do not know of any other litigation concerning the  
3 claims which are the subject of the current complaint.

4 **Plaintiff has Met and Conferred in Advance of Filing this Motion**

5 22. On October 22, 2018, I spoke with counsel for defendant Frontier  
6 telephonically regarding the filing of this motion. Counsel advised they could not  
7 consent and would oppose the motion.

8  
9 I declare under penalty of perjury under the laws of the State of California that  
10 the foregoing is true and correct to the best of my personal knowledge. This declaration  
11 is executed this 22<sup>nd</sup> day of October, 2018, at Westlake Village, California.

12 /s/Marcus J. Bradley  
13 Marcus J. Bradley  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28